

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL L. DAWSON,

Defendant.

Case No. 3:20-CR-30012-NJR

**ORDER**

**ROSENSTENGEL, Chief Judge:**

Now before the Court is Defendant Michael L. Dawson's Motion for Retroactive Application of Sentencing Guidelines. (Doc. 61). Dawson seeks a reduction in sentence from 87 months' imprisonment to 78 months' imprisonment pursuant to 18 U.S.C. § 3582(c) and Part A of Amendment 821 to the United States Sentencing Guidelines ("U.S.S.G."). (*Id.*). The Government does not oppose the motion. (Doc. 62).

In Part A of Amendment 821, the Sentencing Commission altered the "status points" provision regarding criminal history, which now appears in U.S.S.G. § 4A1.1(e). Under the amended provision, a defendant who has 7 or more criminal history points and who committed the offense of conviction while under any criminal justice sentence receives 1 status point. A defendant who has 6 or less criminal history points and who committed the offense of conviction while under any criminal justice sentence receives no status points. The changes apply retroactively, though a court may not order the release of a defendant to occur before February 1, 2024. *See* § 1B1.10(e)(2) (Nov. 1, 2023).

Here, with the addition of two status points, Dawson's total offense level at sentencing was 27 and his criminal history category was III, which provided for a sentencing range between 87 and 108 months. (*See* Doc. 48). The Court imposed a low-end sentence of 87 months. (Doc. 55). Under Amendment 821, however, Dawson would no longer receive any status points, reducing his criminal history category from III to II, and resulting in a lower advisory guideline range of 78 to 97 months. Thus, the parties assert that a sentence reduction to 78 months is appropriate.

This Court agrees. Upon consideration of Dawson's motion (Doc. 61), the Government's response (Doc. 62), the policy statement set forth at U.S.S.G. § 1B1.10, and the sentencing factors set forth in 18 U.S.C. § 3553(a), the Court **GRANTS** Defendant Michael L. Dawson's motion and **ORDERS** that his sentence be reduced to a term of **78 months**. All other terms of the judgment in this case shall remain unchanged. This Order shall take effect on **February 1, 2024**.

**IT IS SO ORDERED.**

**DATED: January 4, 2024**

The image shows a handwritten signature in black ink that reads "Nancy J. Rosenstengel". The signature is written in a cursive, flowing style. Behind the signature, there is a faint, circular official seal of the United States District Court for the District of New Jersey.

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**NANCY J. ROSENSTENGEL**  
**Chief U.S. District Judge**